

MINUTES OF BENTON COUNTY QUORUM COURT

April 24, 2014

A regular meeting of the Benton County Quorum Court was held on Thursday, April 24, 2014 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Robert D. Clinard called the meeting to order.

County Clerk Tena O'Brien called roll as follows:

12 JPs Present: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Jones,
Anglin, Chiocco, Curry, Carr, Meyers,
3 Absent: *Sandlin, Adams, Moehring

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Justice of the Peace Steve Curry led the prayer.

CHANGES TO THE AGENDA:

None.

MINUTES:

JP J. Harrison made motion to approve the minutes of the March 20, 2014 Quorum Court Meeting as distributed, seconded by JP Jones.

There being no discussion a roll call vote was recorded as follows:

12 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Jones, Anglin,
Chiocco, Curry, Moore, Carr, Meyers

3 absent: Sandlin, Adams, Moehring

Minutes approved.

ELECTED OFFICIALS REPORTS:

None

COUNTY JUDGE'S REPORT:

County Judge Bob Clinard reported that: 1) Courthouse Feasibility discussions are ongoing and that they are looking at options for financing; 2) FEMA flood damage repair is ongoing; 3) Fisher Ford Bridge and Colonel Meyers Bridge are under construction; 4) and that construction on Windmill Road is ongoing; 5) the April Property Disposal Report is complete.

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COMMITTEE REPORTS:

JP Allen reported that the Legislative Committee had met and discussed items of concern for Benton County.

JP Allen reported the Finance Committee had met and that sales tax revenue is down. He added that a Special Finance Committee meeting had been held to discuss Emergency Medical Services (EMS) funding.

JP Carr reported that the Public Safety Committee had met and discussed funding Emergency Medical Services (EMS) in 2015.

PUBLIC COMMENTS:

None

JP J. Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Carr.

Motion passed by unanimous voice vote.

OLD BUSINESS:

- (A) Third Reading of a Proposed Ordinance to Set the Per Diem for Justices of the Peace Attending Meetings of the Quorum Court; Sponsor: JP Joel Jones.

County Attorney George Spence read the proposed ordinance by title only.

JP Jones made motion to approve the proposed ordinance, seconded by JP Allen.

There being no discussion, a roll call vote was recorded as follows:

12 yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Jones, Anglin, Chiocco, Curry, Moore, Carr, Meyers
3 absent:	Sandlin, Adams, Moehring

Ordinance duly adopted and assigned **No. O-2014-24**

NEW BUSINESS:

- (A) Proposed Resolution Confirming the County Judge's Appointment of Brent Leas to the Benton County Rural Development Authority; Sponsor: JP Tom Allen.

County Attorney George Spence read the proposed resolution by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

12 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Jones,
Anglin, Chiocco, Curry, Moore, Carr, Meyers
3 absent: Sandlin, Adams, Moehring

Resolution duly adopted and assigned **No. R-2014-10.**

- (B) Proposed Resolution Confirming the County Judge's Re-appointment of Thomas C. Jenkins to the 9-1-1 Administration Board – Fire Chief Position: Sponsor JP Tom Allen.

County Attorney George Spence read the proposed resolution by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

12 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Jones,
Anglin, Chiocco, Curry, Moore, Carr, Meyers
3 absent: Sandlin, Adams, Moehring

Resolution duly adopted and assigned **No. R-2014-11.**

- (C) Proposed Resolution Authorizing the County Judge of Benton County to Apply for an Arkansas State Police – Selective Traffic Enforcement Program (S.T.E.P.) FY 2015 Grant; Sponsor: JP Kurt Moore

County Attorney George Spence read the proposed resolution by title only.

JP Moore made motion to adopt, seconded by JP K. Harrison.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Jones,
Anglin, Chiocco, Curry, Moore, Carr, Meyers
3 absent: Sandlin, Adams, Moehring

Resolution duly adopted and assigned **No. R-2014-12.**

- (D) Proposed Resolution Expressing a Request by the Benton County Quorum Court for all Elected Officials to Withhold all Requests for Additional Personnel and/or Significant Expenditures; Sponsor: JP Kurt Moore

County Attorney George Spence read the proposed resolution by title only.

JP Moore made motion to adopt, seconded by JP Carr.

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*JP Sandlin entered the meeting.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Jones,
Anglin, Chiocco, Curry, Moore, Carr, Meyers,
2 absent: Adams, Moehring
1 abstain: Sandlin

Resolution duly adopted and assigned **No. R-2014-13**

(E) Proposed Resolution Expressing the Intent of the Quorum Court Regarding
Funding of Emergency Medical Services; Sponsor: JP Tom Allen.

County Attorney George Spence read the proposed resolution by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas: J. Harrison, Allen, K. Harrison, Jones, Sandlin,
Anglin, Chiocco, Curry, Moore, Carr, Meyers
2 absent: Adams, Moehring
1 abstain: McKenzie

Resolution duly adopted and assigned **No. R-2014-14.**

(F) Proposed Appropriation Ordinance Amending Appropriation Ordinance
No. O-2013-83 (2014 Benton County Budget) To Amend *Schedule 1 –
Revenues by Fund* by Authorizing a Transfer From County General Fund,
Fund 1000, to Emergency Medical Services, Fund 3021, and Authorizing
Additional Expenditures Listed Herein; Sponsor: JP Steve Curry

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Curry made motion to adopt, seconded by JP Carr.

JP Allen stated that this will provide \$257,000 from County reserves fund for the remaining
balance to fund Emergency Medical Services (EMS) for 2014. He added that savings from
personnel and savings related to holiday pay will replenish reserves.

JP McKenzie stated that he objected to taking the money from reserves now and repaying it
from a savings later in the year.

Discussion was held transferring money from the personnel savings back into the reserve as
the money accumulated.

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JP Allen stated that the savings from personnel is a projection and that shifting money through the year instead of waiting until the end of the year would be a complicated accounting task. He stated that the savings would not be spent on any other items without the approval of the Quorum Court.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas:	Hernandez, J. Harrison, Allen, K. Harrison, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers
2 absent:	Adams, Moehring
1 abstain:	McKenzie

Appropriation ordinance duly adopted and assigned **No. O-2014-25.**

- (G) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-08 Authorizing a Transfer of Funds Between Categories and Line Items and Authorizing Expenditures in Department 0100, County Judge, Fund 1000; Sponsor: JP Joel Jones

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Chiocco.

There being no discussion, a roll call vote was recorded as follows:

13 yeas:	Hernandez, J. Harrison, Allen, K. Harrison, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers
2 absent:	Adams, Moehring

Appropriation ordinance duly adopted and assigned **No. O-2014-26.**

- (H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-08 Authorizing a Transfer of Funds Between Categories and Line Items and Authorizing Expenditures in Department 0400, Sheriff, Fund 3015; Sponsor: JP Jay Harrison

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP J. Harrison made motion to adopt, seconded by JP Curry.

There being no discussion, a roll call vote was recorded as follows:

13 yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring
2 absent:	Adams, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2014-27.**

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-08 Authorizing a Transfer of Funds Between Categories and Line Items and Authorizing Expenditures in Department 0115, Information Systems, Fund 1000; Sponsor: JP Joel Jones

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

- 13 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring
- 2 absent: Adams, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2014-28.**

- (J) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-08 Authorizing a Transfer of Funds Between Categories and Line Items; Appropriating Additional Monies and Authorizing Additional Expenditures in Departments, 0100, County Judge and 0418, Jail; Sponsor: JP Joel Jones

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

- 13 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring
- 2 absent: Adams, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2014-29.**

- (K) Proposed Ordinance to Amend § 2-407 of *the Code of Ordinances of Benton County* to Change the Amount and Timing of the Transfer of Sales Tax Receipts to be Transferred From County General Fund to Capital Projects Fund; Sponsor: JP Steve Curry

County Attorney George Spence read the proposed ordinance by title only.

JP Curry made motion to adopt, seconded by JP Carr.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring
2 absent: Adams, Moehring

First reading passed.

- (L) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-85 (2014 Benton County Budget) to Appropriate Additional Monies and Authorize Additional Expenditures in Election Commission, Department 0109, Voting Systems Grant, Fund 3038; Sponsor JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring
2 absent: Adams, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2014-30.**

- (M) Proposed Ordinance Establishing the Rocky Branch Fire Protection Association, Inc. for Benton County and Designating the Geographical Service Area of the Fire Protection District; Sponsor: JP Mike McKenzie

County Attorney George Spence read the proposed ordinance by title only.

JP McKenzie made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring
2 absent: Adams, Moehring

Ordinance duly adopted and assigned **No. O-2014-31.**

- (N) Proposed Emergency Ordinance Calling a Special Election on the Question of the Levy of the Annual Dues of the *Rocky Branch Fire Protection Association, Inc. for Fire Protection Services*; Designating the County Official Who will Collect and Remit the Annual Dues Charged by the Departments; and Prescribing other Matters Pertaining Thereto; Sponsor: JP Mike McKenzie

County Attorney George Spence read the proposed emergency ordinance by title only.

JP McKenzie made motion to adopt, seconded by JP Hernandez.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring
2 absent: Adams, Moehring

Ordinance duly adopted and assigned **No. O-2014-32**

(O) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. -2013-9-83 (2014 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items, department 0400, Sheriff, Fund 1000; Sponsor: JP Steve Curry

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP McKenzie made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring
2 absent: Adams, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2014-33.**

Other Business:

None

Announcements:

County Judge Bob Clinard announced that the Benton County Clean-up is to be held April 26, 2014 and that they still need volunteers.

JP Anglin stated that on April 22, 2014 the Environmental Protection Agency, known as “EPA” and Corps of Engineers release a proposed rule to amend the definition of U.S. waters and potentially expand the range of waters that fall under federal jurisdiction. She stated this could have significant impact on Benton County and counties across Arkansas and the nation.

County Attorney George Spence stated that a resolution opposing the proposed rule amending the definition of “waters of the United States” under the Clean Waters Act could be prepared.

Further discussion was held preparing a resolution expressing the courts the Quorum Courts opposition to the proposed rule by the Environmental Protection Agency, "EPA" and Corps of Engineers amending the definition of "Waters of the United States"

Announcements:

JP Carr announced that a Public Safety Committee meeting will be held Tuesday, April 29, 2014 at 6:00 p.m.

Adjournment:

There being no further business to come before the court, upon motion and second the meeting was adjourned at 6:56 p.m.

Respectfully submitted,

Tena O'Brien
County Clerk
Prepared by Janet Reaves